**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Cr. Revision No. 761 of 2009**

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Tinku Pandey, S/o. Sri Sarbanand Pandey, R/o. Vill.- Pratappur, P.O. & P.S.- Tundi, Dist.- Dhanbad, Jharkhand. ... ... **Petitioner**

**Versus**

The State of Jharkhand …… **Opp. Parties**

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**CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

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For the Petitioner : Mr. Birendra Kumar, Advocate

For the State : Mr. Bhola Nath Ojha, Spl.P.P.

**Dated: 2nd September, 2026**

***By Court:-***

1. Heard learned counsel for the petitioner as well as learned Special P.P.

2. Instant Criminal Revision is directed against the judgment dated 22.05.2009 passed by learned Sessions Judge, Dhanbad in Criminal Appeal No. 58 of 2006, whereby and whereunder the learned Appellate Court has dismissed the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 07.03.2006 passed by learned Judicial Magistrate, 1st Class, Dhanbad in G.R. Case No. 1944 of 1997 / T.R. No. 163 of 2006, whereby and whereunder the petitioner has been held guilty for the offences under Sections 379, 427, 428 & 448 of the I.P.C. and sentenced to undergo R.I for 6 months under Section 379 of the I.P.C., R.I. for 3 months under Sections 427; R.I. for 3 months under Section 428 of the I.P.C. and R.I. for one month under Section 448 of the I.P.C. All the sentences were directed to run concurrently.

**Factual Matrix:-**

3. Factual matrix giving rise to this revision is that on the

intervening night at 9/10.06.1997 at 2:00 am, the accused had entered into the house of the informant with the intention of stealing goats and untied two goats and also tried to take third goat. The Informant wake up and raised alarm, but due to light of the torch focused on her face by one accused, the informant could not see the accused and the accused jumped over through the window. On alarm, the neighbours reached there and saw that one goat was killed by severing the neck resulted to loss of Rs. 2000/-. On 10.06.1997, the informant went to Tundi police station to register a case, but the police called the accused for compromise by paying the price of goats and the accused agree to pay but even after 10-12 day, when the price of goat was not paid, the informant filed an application before Superintendent of Police, Dhanbad but the police did not register the case and then filed complaint case.

4. On the basis of above complaint, the learned Chief Judicial Magistrate, Dhanbad directed the police station under Section 156(3) of the Cr.P.C. to register a case and subsequently, F.I.R. was instituted being Tundi P.S. Case No. 36 of 1997 for the offences under Sections 379, 427, 428 & 448 of the Indian Penal Code against the accused persons.

5. After investigation, the police submitted its charge-sheet and charges were framed against the accused persons for the aforesaid offences.

6. Charges were read over in Hindi and explained to the accused persons, to which they pleaded not guilty and claimed to be tried.

7. The learned trial court after considering the oral as well as documentary evidence adduced by the prosecution and after hearing the parties, found the petitioner guilty for the offence under Sections 379, 427, 428 & 448 of the I.P.C and sentenced them accordingly.

8. Against the above judgment of conviction and sentence, the petitioner alongwith deceased petitioner preferred an appeal bearing Cr. Appeal No. 58 of 2006, wherein the learned Appellate Court affirmed the judgment of conviction and sentence passed by the learned trial court. In the instant revision, the petitioner has challenged the judgment passed in Criminal Appeal No. 58 of 2006.

9. In the Course of Trial, prosecution has examined altogether five witnesses. Apart from the oral evidence, following documentary evidence has been adduced by the prosecution:-

I. Ext. 1- Signature of informant on letter to S.P., Dhanbad.

II. Ext. 2- Signature of informant on complaint petition.

**Submissions on behalf of the Petitioner:-**

10. Learned counsel on behalf of the petitioner without entering into the merits of the judgment has confined himself towards the quantum of sentences awarded to petitioner. It is further submitted that allegation against the petitioner is for stealing of goat by entering into the house of the informant. The informant woke up and raised alarm. On her alarm the people of locality gathered there but the accused had managed to take way two goats. It is further submitted that for the alleged occurrence, a compromised was also held in the police station. It is admitted fact that it was the first conviction of the petitioner. It is further submitted that no previous offence has been

attributed against him. The learned Trial Court has failed to record any special reasons while declining from granting benefit of Section 4 of the Probation of Offenders Act. The learned Trial Court has not taken into consideration the aim and object of Probation of Offenders Act. The prime objective of which is the reformation of the first offenders. Therefore, the petitioner deserves the benefit of Section 4 of the Probation of Offenders Act.

**Submissions on behalf of the State:-**

11. On the other hand, learned Special P.P. has defended the impugned judgment on merits, but so far extending the benefit of Section 4 of the Probation of Offenders Act is concerned, he has fairly admitted that from the impugned judgment, it appears that it was the first offence of the petitioner. It is further submitted that there is concurrent finding of guilt of the petitioners recorded by the learned Trial Court as well as the learned Appellate Court. Therefore, the revision is fit to be dismissed, but so far first offence of the petitioner is concerned, in the factual aspect of the case, appropriate order may be passed.

**Analysis, discussion and reasons:-**

12. I have gone through the record of the case alongwith the impugned judgment of conviction and sentence passed by the learned Trial Court as well as by the learned Appellate Court.

13. It appears that there is concurrent finding of both the courts below that the prosecution has been successfully able to establish the guilt of the petitioner for the offence punishable under Sections 379, 427, 428 & 448 of the I.P.C. Lalita Devi, the Informant of this case,

who has been examined as PW-3 has supported the case and alleged that at about 2:00 A.M., she woke up on the sound of bleating of goats. She saw the accused persons opening the rope of the goats and taking away her goats. She identified them in torch light. The oral testimony of PW-3 has also been corroborated by the evidence of other witnesses. They have also corroborated the manner of occurrence and place of occurrence. The judgment of convictioin passed by the learned Trial Court and upheld by the learned Appellate Court appears to be correct legal and proper, requires no interference on merits by way of this revision.

14. So far non-extension of the benefit of Section 4 of the Probation Officers Act is concerned, it appears from the record that the learned Trial Court has declined to grant the benefit of Section 4 of the Probation of Offenders Act considering the gravity of the offence committed by the accused persons.

15. Considering the facts and circumstances of the case, genesis and manner of occurrence and also considering that it was the first offence of the petitioner, his age, antecedents and character, I am of the view that the petitioner deserves the benefit of Section 4 of the Probation of Offenders Act**.**

16. In view of the above, this revision is **dismissed** on merits with modification in sentence to the extent that instead of undergoing substantive sentence of imprisonment awarded to the petitioner by the learned Trial Court, the petitioner is hereby directed to be released on furnishing bonds of Rs. 5,000/- (Rupees Five Thousand) with one surety of like amount to the satisfaction of learned Trial Court under

Section 4 of the Probation of Offenders Act, 1958 **within two months from the date of this order** for maintaining peace and be of good behavior for one year from the date of furnishing the bond.

17. If the bond is not furnished within above stipulated time, the learned Trial Court shall issue notice upon the petitioner to secure his attendance for furnishing the bond.

18. In case of violation of terms and conditions of the bond, the petitioner shall be called upon to receive the sentence already awarded to him.

19. In view of above discussion and reasons, impugned judgment of the Court below is upheld on merits but with modification in sentence to the extent as mentioned above.

20. Pending I.A.(s), if any, stands disposed of.

21. Let a copy of this order/judgment alongwith the trial court records be sent back to the concerned court immediately for information and needful.

**(Pradeep Kumar Srivastava, J.)**

***High Court of Jharkhand at Ranchi***
***Dated: 02.09.2026***
*Rahul-NAFR*
Uploaded on 07/09/2026